

EXHIBIT B

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December 20, 2013

By Email and Regular Mail

Joshua David Rogaczewski, Esq.
McDermott Will & Emery LLP
The McDermott Building
500 North Capital Street, Northwest
Washington, D.C. 20001

**Re: *Reese v. CNH Global N.V.*
*Expert Witness Depositions***

Dear Mr. Rogaczewski:

You have noticed the depositions of all of Plaintiffs' expert witnesses to take place on January 17, 2014 at different times and in two locations: Detroit and Washington, D.C.

The reason provided to me for this unilateral and improbable schedule is that rebuttal expert reports are not due until January 17, 2014, which is also the last date for discovery.

I am further advised that you have no intention of requesting an extension of the scheduling order. This suggests that CNH may be relying upon the Plaintiffs to file such a motion. If correct, counsel should not rely on that possibility.

I have repeatedly stated, since November 6, 2013, that Theo Francis will not be preparing a rebuttal report. As such, there is no reason to delay his deposition until the last date of discovery. Indeed, he is not available on that date.

Suzanne Daniels is also not available on January 17, 2014. I am sending today, by separate mailing, her rebuttal report. Since there are no documents or non-public sources cited, there is clearly no basis for delay in scheduling her deposition.

Mr. Lynne is available on January 17, 2014. We will produce him as requested.

When we spoke on November 22, 2013, I was prepared to provide several possible dates for the depositions of Plaintiffs' experts. CNH declined to schedule any depositions, despite my

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articulated concern that the expert witnesses' availability would decrease as we approached the discovery cutoff. Please provide alternate dates within the discovery period for the depositions of Francis and Daniels, as soon as possible.

Mr. Stahl's deposition is currently scheduled to take place on January 14, 2014. In order for the Plaintiffs to conduct the deposition of Mr. Stahl, it is imperative that Plaintiffs receive all of the outstanding discovery items that relate to his opinions. This includes the items responsive to the Stahl subpoena which Defendant has refused to produce without an addendum to the protective order. This also includes the identification of the documents that Stahl relied upon. In your recent responses to discovery, you reference responses to "expert discovery" without identifying responsive documents by bates stamp. The reference is insufficient to inform us which documents are responsive. Please revisit your responses to our requests to produce documents and supplement the answers sufficient to identify the documents upon which Stahl relied.

I nevertheless intend to proceed with Mr. Stahl's deposition even if CNH does not supplement its responses. I will treat it as a Phase I deposition (such as Magistrate Judge Komives suggested), during which I will try to identify the documents and things upon which he relied. I will then reconvene the deposition after I have had a chance to review the foundational documents. Or, you can identify by bates stamp the documents that Stahl relied upon and so indicate if all the documents have been produced.

My understanding is that Mr. Macey's deposition will not be scheduled until after we have a decision on Plaintiffs' recent motion to compel. The scheduling of his deposition may also be impacted by the continuing discovery disputes.

Sincerely,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.



Darcie R. Brault

DRB/sjc

cc: Bobby Burchfield, Esq.
Laura Capotosto, Esq.